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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,484	08/23/2000	Edward E. Belfiglio	TSMI : 001	2274

29468 7590 03/24/2004

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/24/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,484

Applicant(s)

BELFIGLIO, EDWARD E.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 2-6 and 13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 7-9 is/are allowed.
- 6) ☒ Claim(s) 10-12, 14-17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed December 23, 2003 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second end of the shaft received in a mounting bracket as now set forth in claims 1 and 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

If a drawing change is necessary, a proposed drawing correction is required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al., pn 4,632,074.

Takahashi et al. discloses a unitary solid, bi-metallic block structure (e.g., 7, 11) with every structural limitation of the claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan, pn 6,202,528.

Morgan discloses a guide with almost every structural limitation of the claimed invention including a single threaded shaft (i.e., each shaft is a single shaft) but lacks the shaft extending from a centerpoint of the second surface. However, the Examiner takes Official notice that it is old and well known in the art to attach components by using a center shaft connection along with anti-rotation nubs, teeth, detents or the like and that such a configuration facilitates quick and easy assembly/disassembly of the components while also preventing relative movement therebetween. Therefore, it would have been obvious to one having ordinary skill in the art to provide a center shaft connection wherein the shaft extends outwardly from a centerpoint of the second surface for the well known benefits including those described above.

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan, pn 6,202,528 as applied to claim 10 above, and further in view of Robinson, pn 3,104,575.

Morgan discloses carbide wear components 20, 21 and thus lacks a bimetallic guide block as claimed. Robinson discloses that the wear components can be made of

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hardened steel for the well known benefits including improved wear and guiding characteristics. Therefore, it would have been obvious to one having ordinary skill in the art to replace the carbide wear components of Morgan with the hardened steel wear components thus forming a bimetallic guide block for the well known benefits including those described above.

Regarding the specific type of hardened steel set forth in claim 12, the Examiner takes Official notice that chromium-carbide including austenitic chromium-carbide is old and well known in the art and has well known benefits including resistance to wear. Therefore, it would have been obvious to one having ordinary skill in the art to make the hardened steel of chromium-carbide including austenitic chromium-carbide for the well known benefits including those described above.

Allowable Subject Matter

8. Claims 1 and 7-9 are allowable over the prior art of record.

Response to Arguments

9. Applicant's arguments filed December 23, 2003 have been fully considered but they are not persuasive.

First, it is noted that the submission of a prototype model is appreciated. Unfortunately, however, the model did not reach the Examiner.

Next, applicant argues that a single center shaft is not obvious for various reasons, particularly stability problems. However, it is respectfully submitted that the

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Examiner's position is not that a single shaft in the prior art device would perform better or even as well as the prior art device. Rather, the Examiner's position is that such a modification would have been obvious. For example, the configuration of Moore is such that a single shaft, if sufficiently tightened, would certainly hold the guide in place for at least a short time. One of the benefits of a single shaft configuration clearly is that it is less work to assemble/disassemble. So, for example, if one having ordinary skill in the art wanted to test different inserts for initial wear characteristics, they may only want to use a single shaft to facilitate easy and quick assembly/disassembly of the guide.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-1404. The examiner can normally be reached on Wednesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
March 22, 2004